

TITLE 16
CALIFORNIA ARCHITECTS BOARD
NOTICE OF PROPOSED CHANGES IN THE REGULATIONS

NOTICE IS HEREBY GIVEN that the California Architects Board (hereinafter "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the California Architects Board, 2420 Del Paso Road, Sacramento, California, on **September 13, 2006 at 11:00 a.m.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on **September 13, 2006** or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 160 of the California Code of Regulations, and sections 5510.1, 5526, and 5578 of the Business and Professions Code, and to implement, interpret or make specific section 160 of the California Code of Regulations, the Board is considering changes to Division 2 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 5526 authorizes the Board to adopt, amend, or repeal rules and regulations, in accordance with the provisions of the Administrative Procedure Act, which are reasonably necessary to enable the Board to carry out the provisions of law relating to the practice of architecture.

Protection of the health, safety, and welfare of California consumers is the Board's highest priority. To ensure such protection, the Board is mandated to investigate complaints against persons that are licensed by the Board and unlicensed persons that are subject to its jurisdiction.

Amend Section 160 – Rules of Professional Conduct:

The existing regulation, which became effective on February 19, 1998, sets forth the Board's rules of professional conduct for architects. The regulation establishes five components of professional conduct that licensees should comply with (competence, willful misconduct, conflict of interest, full disclosure, and copyright infringement). The regulation further establishes that a violation of any rule of professional conduct in the practice of architecture constitutes a ground for disciplinary action.

This proposal would retain the Board's existing rules of professional conduct and do the following: 1) add new provision (b)(2) to Willful Misconduct which would require an architect or a candidate for licensure to respond to the Board's requests for information and/or evidence within 30 days whenever the Board is conducting an investigation; 2) add new provision (c)(5)

to Conflict of Interest which would require an architect who acts as the interpreter of construction contract documents and the judge of construction contract performance to endeavor to secure faithful performance of all parties and not show partiality to any party; 3) clarify (d)(2) under Full Disclosure to require an architect to respond within 30 days to any request from the Board for information solicited in connection with a candidate application for licensure, and deletes the requirement to report the candidate's education; and 4) add new provision (f)(1) under Informed Consent to require that an architect not materially alter the scope or objective of a project without first informing the client and obtaining consent in writing.

With respect to the proposed additions to the language, the Board has determined that the new rules would improve the effectiveness of the Board's enforcement efforts and would benefit the public. In addition, this proposal adds clarifying language to the other rules of professional conduct.

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed regulation sets forth, by regulation, the Board's rules of professional conduct.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has made available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board at 2420 Del Paso Rd., Suite 105, Sacramento, California 95834, or by telephoning the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Web site listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Hattie Johnson
Address: 2420 Del Paso Rd., Ste. 105
Sacramento, CA 95834
Telephone No.: (916) 575-7203
Fax No.: (916) 575-7283
E-Mail Address: hattie_johnson@dca.ca.gov

The backup contact person is:

Name: Sonja Ruffin
Address: 2420 Del Paso Rd., Ste. 105
Sacramento, CA 95834
Telephone No.: (916) 575-7207
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Web site Access: Materials regarding this proposal can be found at www.cab.ca.gov.